

SERVICE DATE
Oct 03, 2014

PSC REF#:220509

Public Service Commission of Wisconsin
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PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Highland Wind Farm, LLC, for a Certificate of Public Convenience and Necessity to Construct a 102.5 Megawatt Wind Electric Generation Facility and Associated Electric Facilities, to be Located in the Towns of Forest and Cylon, St. Croix County, Wisconsin

2535-CE-100

ORDER TO REOPEN AND REQUEST FOR COMMENTS

Comments Due: Monday, October 13, 2014	Address Comments To: Sandra J. Paske, Secretary to The Commission Public Service Commission P.O. Box 7854 Madison, Wisconsin 53707-7854
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This is the Order for the reopening of the Commission's Final Decision on Reopening granting Highland Wind Farm, LLC (Highland), a Certificate of Public Convenience and Necessity to construct a 102.5 megawatt wind farm in the Town of Forest, St. Croix County, Wisconsin (Final Decision) ([PSC REF#: 192339](#)), for the limited purposes of considering changes to Order Point 29 of the Final Decision which currently provides:

29. This authorization is valid only if construction commences no later than one year after the date this Final Decision on Reopening is served.

On September 10, 2014, Highland requested a two-year extension of time to begin construction, noting that the delay in commencement of construction is due to an ongoing appeal

of the Commission's Final Decision on Reopening.¹ The Town of Forest (Town) and Forest Voice, Inc. (Forest Voice), have objected to Highland's request. The Commission considered this matter at its open meeting of October 3, 2014.

Pursuant to Wis. Stat. § 196.39(1), the Commission may, at any time upon notice and opportunity to be heard, amend any order. The amendment of orders to extend one or more compliance deadlines, such as the deadline for commencement of construction, are routinely granted by the Commission. Highland's request for an extension of time to commence construction and for modification of Order Point 29 in light of the pending litigation appears reasonable.

NOTICE OF REOPENING. The Commission hereby reopens its Final Decision, provides notice to the parties and other interested persons of this limited reopening, and seeks comments on the Commission's proposed modification to Order Point 29. Specifically, the Commission seeks comments on the following proposed change:

Order Point 29 is hereby amended to read:

Highland shall commence construction no later than one year after the latest of the following dates:

- a. The date this Amended Final Decision on Reopening is served.
- b. The date on which Highland has been issued every federal and state permit, approval, and license that is required prior to commencement of construction.

¹ On January 10, 2014, the Town filed a petition for judicial review in the circuit court of St. Croix County. *Town of Forest v. Public Service Commission of Wisconsin and Highland Wind Farm, LLC*, Case No. 14-CV-0018 (Wis. Cir. Ct. St. Croix County, Branch II). The case is still pending; the Court is scheduled to hear oral arguments on October 21, 2014.

c. The date on which every deadline has expired for requesting administrative review or reconsideration of every federal and state permit, approval, and license that is required prior to commencement of construction.

d. The date on which Highland has received the Final Decision on Reopening and Amended Final Decision on Reopening, after exhausting of judicial review, in every proceeding for judicial review described in Wis. Stat. § 196.491(3)(j).

DOCUMENTS. All documents in this docket are filed on the Commission's Electronic Regulatory Filing (ERF) system. To view these documents: (1) go to the Commission's web site at <http://psc.wi.gov>, (2) enter "2535-CE-100" in the box labeled "Link Directly to a Case," and (3) select "GO."

COMMENTS. The Commission requests comments on the above issues. Comments are due no later than Monday, October 13, 2014. Any utilities, organizations, or interest groups shall file one comment using the Commission's Electronic Regulatory Filing (ERF) system.

To file such a comment, go to the Commission's web site at <http://psc.wi.gov>, and click on the "ERF - Electronic Regulatory Filing" graphic on the side menu bar. On the next page, click on "Need Help?" in the side menu bar for instructions on how to upload a document. Any members of the general public shall file only one comment either through the Commission's web site or by mail as follows:

- **Web Comment.** Go to the Commission's web site at <http://psc.wi.gov>, click on the "Public Comments" button on the side menu bar. On the next page select the "File a comment" link that appears for docket number 2535-CE-100.
- **Mail Comment.** All comments submitted by U.S. mail shall include the phrase "Docket 2535-CE-100 Comments" in the heading, and shall be addressed to:

Docket 2535-CE-100 Comments
Public Service Commission
P.O. Box 7854
Madison WI 53707-7854

Docket 2535-CE-100

The Commission will not accept comments submitted via e-mail or facsimile (fax).

Any material submitted to the Commission is a public record and may appear on the Commission web site.

Dated at Madison, Wisconsin, this 3rd day of October, 2014.

By the Commission:

A handwritten signature in black ink, reading "Sandra J. Paske". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Sandra J. Paske
Secretary to the Commission

SJP: DL:00945411